

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:03 p.m. on Tuesday, June 13, 2006 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Guyton, Mauno, McIntyre, Nowatka, Scotto, Witkowski, and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

Agenda Item 14A was considered out of order at this time.

14. OTHER

14A. APPEAL OF SUSPENSION OF MICHAEL O'BRIEN

Recommendation

Recommendation of the **City Manager** that City Council conduct a hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Michael O'Brien, and the deliberation of this matter shall occur in closed session. (Hearing may occur in closed session per Government Code Section 54957)

A hearing was held on the Civil Service Commission record and oral arguments with AFSCME Business Representative James Murphy representing Michal O'Brien and Deputy City Attorney Strader representing the City.

At 6:45 p.m., the City Council recessed to closed session for deliberations.

At 7:02 p.m., Bradley Wohlenberg, Counsel for the City Council, announced that the City Council had upheld the decision of the Civil Service Commission by a unanimous 7-0 vote.

The City Council recessed at 7:05 p.m. and reconvened at 7:15 p.m.

2. FLAG SALUTE

The Pledge of Allegiance was led by Councilmember Mauno.

Councilmember Guyton gave the non-sectarian invocation.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Scotto moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

4. **ANNOUNCEMENT OF WITHDRAWN AND DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Fire Chief Bongard announced that ExxonMobil would be conducting a test of street barriers on Wednesday, June 14, and Crenshaw Boulevard between Del Amo Boulevard and 190th Street would be closed from approximately 10:00 to 11:00 a.m.

Mayor Walker congratulated Mayor Elect Frank Scotto and Councilmembers Elect Bill Sutherland and Tom Brewer.

Mayor Walker asked that the meeting be adjourned in memory of Gussie Kriss, who passed away on May 17.

6. **COMMUNITY MATTERS**

6A. **RESOLUTION NO. 2006-47 RE FIRE ENGINEER RALPH D. MOORE**

RESOLUTION NO. 2006-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING FIRE ENGINEER RALPH D. MOORE UPON HIS RETIREMENT FROM THE CITY AFTER THIRTY-THREE YEARS OF SERVICE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-47. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

To be presented at a later date.

6B. **RESOLUTION NO. 2006-48 RE FIREFIGHTER CHARLES H. WATSON**

RESOLUTION NO. 2006-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING FIREFIGHTER CHARLES H. WATSON UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-SEVEN YEARS OF SERVICE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-48. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

Mayor Walker presented Resolution No. 2006-48 to Charles Watson, who accepted with appreciation.

Fire Chief Bongard highlighted Firefighter Watson's accomplishments and wished him well in his retirement.

6C. **RECOGNITION OF OUTGOING YOUTH COUNCIL MEMBERS**

Certificates were presented to the following outgoing Torrance Youth Council Members in recognition of their outstanding service to the community: Nina Sawhney, Jennifer Chen, Vickie Hsieh, Ashley Hunt, Susan Kwak, Maria Turcios, Anthony Tangoan, Deva Trejo, and Nicole Hartig. Unable to attend: Doo Park and Annie To.

6D. RECOGNITION OF COMMUNITY ORGANIZATIONS FOR DONATIONS TO 47TH ANNUAL ARMED FORCES DAY CELEBRATION

Plaques were presented to the following organizations in recognition of their donations to the 47th Annual Armed Forces Day Celebration: American Honda Corporation (\$10,000), T.A. Patty Development (\$5,000), Torrance Care Center (\$5,000), Toyota Motor Sales, Inc. (\$5,000), ExxonMobil (\$2,500), Robinson Helicopter Corporation (\$2,500), and Scott Anastasi Realty Incorporated (\$2,500).

Unable to attend: Surf Management (\$5,000).

6E. RECOGNITION OF ARMED FORCES DAY CELEBRATION VOLUNTEERS

Certificates were presented to the following volunteers who tied 133 yellow ribbons along the parade route for the 47th Annual Armed Forces Day Celebration: Marissa Kitazawa, Andy Chen, Robyn Hamano, Lisa Masuyama, Amy Hurwicz, Gene Lee, Michelle Hsu, Elaine Chun, Justin Chun, President Candace Duron, Candace Duron, Monica De Leon, Alix Leighten, Jeremy Bezich, Colleen Mathis, Mizuki Yamauchi, Nathaniel Kim, Charlie Jun, Evelyn Siu, Jay Lee, Mr. Koch, Mathew Cook (Scout), Stacy Bernstein, Denise Bernstein, Riley Lotta, Kayla Bezich, Kristen Ly, Ilse Garcia, Noelle Ly, Kirsten Schumaker.

6F. RESOLUTION NO. 2006-53 RE DON LEE (Addendum item)

RESOLUTION NO. 2006-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING DON LEE FOR HIS SERVICE AS CHAIRMAN OF THE BOARD OF THE TORRANCE AREA CHAMBER OF COMMERCE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-53. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

To be presented at a later date.

7. CONSENT CALENDAR

7A. APPROVAL OF MINUTES – APRIL 11 AND APRIL 18, 2006

7B. RELEASE OF SUBDIVISION BONDS FOR TRACT MAP NO. 53463

Recommendation

Recommendation of the **Community Development Director** that City Council approve the release of three subdivision bonds for Tract map No. 53463, which was subdivided by Watt Developers at Impressions, LLC, located at 2700 Border Avenue.

7C. INVESTMENT REPORT FOR APRIL 2006

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of April 2006.

7D. TORRANCE YOUTH COUNCIL DONATION FOR “BEAT THE ODDS” HONOREES

Recommendation

Recommendation of the **Torrance Youth Council** that City Council approve a \$6,000 donation from the Youth Council Donation Fund to six “Beat the Odds” honorees and authorize the Finance Director to issue the warrants.

7E. PURCHASE ORDERS FOR ANNUAL REQUIREMENT OF OFFICE SUPPLY ITEMS

Recommendation

Recommendation of the **Finance Director** that City Council award purchase orders in an aggregate amount of not to exceed \$180,000 to Office Depot Business Services Division for the purchase of the City's annual requirement of office supply items. The term of these purchase orders will be from July 1, 2006 through June 30, 2007.

7F. CONTRACT WITH KIM FUENTES FOR COMMUTER TRANSPORTATION CONSULTING SERVICES

Recommendation

Recommendation of the **Human Resources Department** that City Council approve a contract with Kim Fuentes in an amount not to exceed \$65,520, for the period of July 1, 2006 to July 1, 2007 for commuter transportation (Rideshare) consultant services.

7G. APPROVAL OF FINAL TRACT MAP NO. 60807

Recommendation

Recommendation of the **Community Development Director** that City Council approve Final Tract Map No. 60807, creating one lot with 14 townhome condominiums, subdivided by Riviera 14, LLC, and located at 6226 Pacific Coast Highway, which conforms to and meets all conditions of approval of the Tentative Map.

7H. PURCHASE ORDER FOR RIDESHARE PROGRAM INCENTIVES

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize a purchase order to Just Rewards of San Diego, CA in the amount of \$80,000 for Fiscal Year 2006-2007 to provide rideshare incentives such as gift certificates in support of the City's Rideshare Program.

7I. TIDEMARK ADVANTAGE PERMIT PLAN/ BUSINESS LICENSE/ VR SOFTWARE MAINTENANCE AND SUPPORT

Recommendation

Recommendation of the **Information Technology Director** that City Council approve an expenditure of \$37,972.31 for one year of Tidemark Advantage Permit Plan/Business License/IVR software maintenance and support from Accela, Inc.

7J. PURCHASE/ INSTALLATION OF WORKSTATIONS FOR LIBRARY DIVISION

Recommendation

Recommendation of the **Community Services Director** that City Council authorize a purchase order to Interservice of Orange, CA, in the amount of \$32,486.43 for the installation of workstations in the Acquisitions/Technical Services area of the Katy Geissert Civic Center Library.

7K. AMENDMENT WITH TORRANCE CULTURAL ARTS CENTER FOUNDATION

Recommendation

Recommendation of the **General Services Director** that City Council approve an amendment of the Torrance Cultural Arts Center Foundation agreement (C2003-086) to extend the agreement for a period commencing July 1, 2006 and expiring June 30, 2007, in an amount not to exceed \$80,000.

7L. CONTRACT WITH GRACE BUILDING MAINTENANCE COMPANY

Recommendation

Recommendation of the **Transit Director** that City Council authorize the Mayor to execute and the City Clerk attest to a one-year contract services agreement extension with Grace Building Maintenance Company, Incorporated to clean transit buses at a cost not to exceed \$58,656.

7M. SALE OF HYBRID ELECTRIC BUS TO ORION BUS INDUSTRIES

Recommendation

Recommendation of the **Transit Director** that City Council authorize the sale of one (1) Hybrid electric bus back to Orion Bus Industries (Orion) for \$80,000.

7N. CONTRACT WITH NEW WORLD SYSTEMS

Recommendation

Recommendation of the **Finance Director** and the **Information Technology Director** that City Council approve a contract with New World Systems for City-wide financial software in the amount of \$435,820 for the purchase, implementation and annual maintenance for the first year.

**7O. PUBLIC WORKS AGREEMENT/ CONTRACT SERVICES AGREEMENTS
RE NORTH TORRANCE RESIDENTIAL STREET REHABILITATION**

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Appropriate additional Water Enterprise funds in the amount of \$350,000 to the Kent/Galva Water Main Replacement, I-88;
- 2) Approve the plans and specifications for the North Torrance Residential Street Rehabilitation, I-5 and Kent/Galva Street Rehabilitation & Water Main Replacement, I-5/I-88 (B2006-12);
- 3) Award a public works agreement to All American Asphalt in the amount of \$3,624,862.44 and authorize a 5% contingency in the amount of \$181,242.56 for the North Torrance Residential Street Rehabilitation, I-5 and Kent/Galva Street Rehabilitation & Water Main Replacement, I-5/I-88 (B2006-12);
- 4) Award a contract services agreement in the amount of \$79,080 to Bureau Veritas/ Berryman & Henigar, Inc. to perform construction inspection services;
- 5) Award a contract services agreement to Labelle-Marvin, Inc. in the amount of \$58,090 to perform materials testing and paving compaction testing services;
- 6) Approve the second amendment to contract services agreement with West Coast Arborists, Inc. of Anaheim, CA (C2004-173) in the amount of \$32,000 for a new not-to-exceed amount of \$472,000, to include tree removal and planting services for this project in the existing agreement; and
- 7) Authorize the Mayor to execute and City Clerk to attest to said public works agreement, two contract services agreements, and second amendment.

7P. CONTRACT FOR CONSTRUCTION OF PREFABRICATED METAL BUILDING

Recommendation

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to Action Contractors for \$230,817 with a 5% contingency of \$11,541 for the Mower Repair Shed at the City Yard (FEAP #493) (B2006-18);
- 2) Authorize 10% project management fees and \$5,000 for professional services; and
- 3) Appropriate \$80,000 from the General Services Operating Budget for this project.

7Q. CONTRACT WITH L.A. COUNTY SHERIFF'S DEPARTMENT FOR DNA SENIOR CRIMINALIST

Recommendation

Recommendation of the **Chief of Police** that City Council approve an additional two years of a contractual agreement with the Los Angeles County Sheriff's Department to dedicate a DNA Senior Criminalist to handle DNA evidence from Torrance criminal cases, in the amount of \$153,697 per year.

7R. APPROPRIATION FOR ADDITIONAL FUEL/ MAINTENANCE COST

Recommendation

Recommendation of the **Public Works Director** that City Council approve an appropriation of an additional \$400,000 from the Sanitation Enterprise Fund balance to the Sanitation Enterprise Operating Budget.

7S. AMENDMENT TO AGREEMENT WITH P & D CONSULTANTS RE ZAMPERINI FIELD SECURITY PROJECT

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Approve a first amendment to the agreement with P&D Consultants (C2005-085) to extend the term of the contract from April 26, 2007 to December 26, 2007 and to increase the contract amount by \$27,138 with a new not to exceed amount of \$223,918 to fund additional consultant services requested by staff for data research, preliminary design and related meetings for the Airport Security Project (FEAP #309, #348 and #349);
- 2) Authorize the Mayor to execute and the City Clerk to attest to the amendment on behalf of the City; and
- 3) Appropriate \$27,138 from the Airport Enterprise fund balance to cover the additional consultant services.

MOTION: Councilmember Mauno moved for the approval of Consent Calendar Items 7A through 7S. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. APPROVAL OF FY 2006-07 APPROPRIATIONS LIMIT AND SELECTION OF ANNUAL ADJUSTMENT FACTORS

Recommendation

Recommendation of the **Finance Director** that City Council adopt a Resolution approving the City's appropriations limit for Fiscal Year 2006-2007 in the amount of \$737,610,212; and selection of the 2006-2007 percentage change over prior year of Per Capita Personal Income as the cost of living factor together with the increase in the City's population as the annual adjustment factors for same fiscal year.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2006-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE 2006-2007 APPROPRIATIONS LIMIT AND SELECTION OF THE ANNUAL ADJUSTMENT FACTORS FOR THE SAME FISCAL YEAR

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-49. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11B. SUPPLEMENTAL S TO 2005-2008 MOUs FOR TORRANCE POLICE OFFICERS ASSOCIATION, TORRANCE POLICE COMMANDERS ASSOCIATION AND SAFETY MANAGEMENT EMPLOYEES

Recommendation

Recommendation of the **City Manager** that City Council adopt supplemental Resolutions to the Memoranda of Understanding which sets forth hours, wages, and working conditions for employees represented by the following employee groups:

- 1) Torrance Police Officers Association (TPOA),
- 2) Torrance Police Commanders Association (TPCA), and
- 3) Adopt a Resolution for Safety Management Employees amending and clarifying retiree benefit language.

City Attorney Fellows confirmed that Councilmember Nowatka, as a Torrance Police Department retiree, did not have a conflict of interest and could participate in consideration of this item.

Assistant City Manager Giordano advised that the proposed resolutions were necessary to more clearly define which retirees are qualified to receive a new stipend.

Dennis Frandsen, Torrance Police Department retiree, asked about the justification for reducing the stipend after retirees reach the age of 65 and presented statistics on rising Medicare premiums to illustrate that health care costs do not decrease at age 65. Noting that he served on the TPOA Board and also as president during his tenure on the department, he recalled that the only qualifier on receiving funds from the stipend program was years of service and maintained that limiting stipends based on the date of retirement and the retiree's age was discriminatory and therefore illegal. He urged that there be a complete review of the stipend program to ensure conformance with the law.

City Attorney Fellows advised that the proposed resolutions simply add clarifying language for the implementation of benefits already negotiated and approved, and should the Council not adopt them, the City could be subject to charges of unfair labor practices. He suggested that retirees who object to certain provisions should discuss their concerns with the labor organization that represents them.

Assistant City Manager Giordano explained that the age range (50 to 65 full benefit/reduction at age 65) in the proposed resolutions was originally included in TPOA's 1997 Memorandum of Understanding and when new benefits were added under the same clause, it was with the understanding that the same qualifiers would apply.

David Cook, Torrance Police Department retiree, noted that the resolution approved on March 28, 2006 stated that the stipend would be distributed equally to all retirees. He voiced objections to the tiered system currently in place that would be perpetuated by the proposed resolutions, which provides that more recent retirees receive the highest stipend despite the fact that they receive 80-90% of their pre-retirement wages while those who retired earlier receive only 75% and are the furthest behind on the economic curve. He contended that the American Retirement and Disability Act requires that any stipend be distributed equally to retirees and urged the Council to send the item back for more thorough study.

Tom Winchester, current president of TPOA, explained that the new stipend is being funded by current employees, who have had 1% of their base pay raise (½ % in July 2005 and ½ % in January 2006) placed into an account with the City, and it was meant to provide a supplement for health care costs for retirees who have worked at least 20 years for the City and who are between the ages of 50 and 65 and not eligible for Medicare. He contended that it would be unfair to give a share of these funds to current retirees who do not meet these criteria.

MOTION: Councilmember Witkowski moved to concur with the staff recommendation. The motion was seconded by Councilmember Scotto and passed by a 6-1 roll call vote, with Councilmember Nowatka dissenting.

RESOLUTION NO. 2006-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2005-56 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE POLICE OFFICERS ASSOCIATION (TPOA)

MOTION: Councilmember Witkowski moved for the adoption of Resolution No. 2006-50. The motion was seconded by Councilmember Scotto and passed by a 6-1 roll call vote, with Councilmember Nowatka dissenting.

RESOLUTION NO. 2006-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2005-61 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE POLICE COMMANDERS ASSOCIATION (TPCA)

MOTION: Councilmember Witkowski moved for the adoption of Resolution No. 2006-51. The motion was seconded by Councilmember Scotto and passed by a 6-1 roll call vote, with Councilmember Nowatka dissenting.

RESOLUTION NO. 2006-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2005-122 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR SAFETY MANAGEMENT EMPLOYEES

MOTION: Councilmember Witkowski moved for the adoption of Resolution No. 2006-52. The motion was seconded by Councilmember Scotto and passed by a 6-1 roll call vote, with Councilmember Nowatka dissenting.

12. HEARINGS

12A. ABANDONMENT OF HIGH STREET ON SOUTH SIDE OF 25535-25557 HAWTHORNE BOULEVARD

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve Final Parcel Map No. 62357, creating 2 lots with 103 bed assisted living facility on Lot 1 and future commercial development on Lot 2, subdivided by Thomas Fitzpatrick, which substantially conforms to and meets all conditions of approval of the Tentative Map;
- 2) Accept a ten (10) foot wide Irrevocable Offer of Dedication for right turn pocket for the proposed main driveway;
- 3) Accept a forty (40) foot wide Irrevocable Offer of Dedication for future street purposes;
- 4) Accept three variable width traffic signal easements;
- 5) Abandon slope and drainage easements along Hawthorne Boulevard; and
- 6) Conduct the public hearing to abandon High Street on the south side of the property.

Cheryl Vargo, representing Thomas Fitzpatrick and Sunrise Senior Living, noted that High Street was never developed as a roadway and does not connect with Hawthorne Boulevard.

MOTION: Councilmember Witkowski moved to close the public hearing. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowski and passed by unanimous roll call vote.

14. OTHER

14A. APPEAL OF SUSPENSION OF MICHAEL O'BRIEN

Considered out of order, see page 1.

*

The Council met as the Redevelopment Agency from 8:10 p.m. to 8:11 p.m.

*

16. ORAL COMMUNICATIONS

16A. Councilmember Guyton congratulated Mayor Elect Scotto, Councilmember McIntyre on re-election and Councilmembers Elect Bill Sutherland and Tom Brewer.

16B. Councilmember Mauno echoed congratulations to all victors and wished them the best of luck.

16C. Councilmember Mauno expressed condolences to Tony Kriss and family.

16D. Councilmember Mauno announced that beginning July 26 it would be mandatory to dial 1+area code from all land lines within the 310 area code.

16E. Councilmember McIntyre congratulated the election winners and expressed condolences to those who lost.

- 16F.** Councilmember Nowatka echoed condolences to the Kriss family.
- 16G.** Councilmember Scotto echoed condolences to Tony Kriss and family.
- 16H.** Councilmember Scotto congratulated Bill Sutherland, Tom Brewer, and Councilmember McIntyre. He thanked everyone who made it happen for all their hard work.
- 16I.** Councilmember Scotto noted the retirement of Gene Drevno from SCROC.
- 16J.** Councilmember Nowatka congratulated the victors including City Clerk Herbers and City Treasurer Barnett.
- 16K.** Councilmember Witkowski echoed condolences to Tony Kriss and family.
- 16L.** Councilmember Witkowski congratulated Councilmembers Elect Sutherland and Brewer, Councilmember McIntyre, and Mayor Elect Scotto.

17. EXECUTIVE SESSION

At 8:17 p.m., the Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator, pursuant to California Government Code § 54957.6.

The Council reconvened in Council Chambers at 8:25 p.m. No formal action was taken on any matter considered in closed session.

18. ADJOURNMENT

At 8:25 p.m., the meeting was adjourned to Tuesday, June 20, 2006 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of
Gussie Kriss***

Attest:

/s/ Sue Herbers

Sue Herbers
City Clerk of the City of Torrance

/s/ Frank Scotto

Frank Scotto
Mayor of the City of Torrance

Approved on August 8, 2006